

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Gerald Jerome Polk,

Petitioner

v.

The State of Nevada, et al.,

Respondents

Case No. 2:24-cv-00634-CDS-MDC

**Order Deferring Screening and Ordering
Petitioner to File an Application for Leave
to Proceed in Forma Pauperis or Pay the
Filing Fee**

Petitioner Gerald Jerome Polk has submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1), but he has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* (“IFP”). Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Polk has up to and including May 24, 2024, to either pay the \$5 filing fee or submit a complete IFP application with all required documentation.

Conclusion

It is therefore ordered that the initial screening of the Petition for Writ of Habeas Corpus (ECF No. 1-1) is deferred to until such time as Polk has fully complied with this order.

It is further ordered that the Clerk of Court send Polk a blank form IFP application for incarcerated litigants.

1 It is further ordered that on or before May 24, 2024, Polk must file an IFP application
2 that includes: (1) a financial certificate signed by Polk and an authorized prison official, (b) a
3 financial declaration and acknowledgement signed by Polk, and (c) a copy of Polk's inmate
4 account statement for the six-month period prior to filing. Alternatively, Polk must pay the \$5
5 filing fee on or before May 24, 2024.

6 It is further ordered that Polk's failure to comply with this order will result in the
7 dismissal of this action without prejudice and without further advance notice.

8 Dated: April 3, 2024

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United States District Judge
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